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EXAMINER

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**JUL 06 2007**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/014,732  
Filing Date: December 11, 2001  
Appellant(s): TSUKAGOSHI ET AL.

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Jonathan O. Owens  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed April 16, 2007 appealing from the  
Office action mailed October 20, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. However it should be noted that a typographical error exists (page 3, line 3) in the date the Final Rejection was sent. The correct mailing date of the Final Rejection is October 20, 2006.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

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5,270,829	YANG	12-1993
6,148,135	SUZUKI	11-2000
5,455,684	FUJINAMI ET AL	10-1995

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 3-5, 9-11, 12, 14-16, and 20-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Aotake (US 6,411,771 B1)

**Regarding claim 1**, Aotake teaches a method that comprises:

encoding a compressed domain bitstream utilizing a coding scheme selected from a variety of coding schemes (Aotake teaches in col. 25, lines 31-50 of a Slip Recorder that records TV broadcast program that is “encoded by the MPEG1 real time encoder board 213 and encoded data obtained as a result of the encoding operation is **stored** in the hard disc 212”. Furthermore, Aotake meets the limitations of the broadly claimed “utilizing a coding scheme selected from a variety of coding schemes” in Fig. 8, element 327 and col. 10, lines 18-32 where a user can select a recording mode from a

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group of recording modes. The domain bitstream can therefore be encoded in "coding schemes". Therefore, the newly added limitation is clearly met by Aotake);

storing the encoded bitstream (Aotake teaches in col. 25, lines 31-50 of a Slip Recorder that records TV broadcast program that is "encoded by the MPEG1 real time encoder board 213 and encoded data obtained as a result of the encoding operation is **stored** in the hard disc 212".);

retrieving the encoded bitstream after a period of time (Aotake teaches that the user has the ability to playback a recorded portion whenever the user desires. Fig. 17 and column 37, lines 13-25 clearly teaches that when the user desires to play a recorded portion (which has to be a certain period of time after recording, since one cannot play anything that has not been recorded), the system will "decode the MPEG system stream read"); and

decoding the retrieved bitstream. (Fig. 5 and col. 8, lines 17-38 teach that a broadcast video programs can be encoded, stored, and then retrieved and then decoded at a later time. Aotake teaches that the user has the ability to playback a recorded portion whenever the user desires. Fig. 17 and column 37, lines 13-25 clearly teaches that when the user desires to play a recorded portion (which has to be a certain period of time after recording, since one cannot play anything that has not been recorded), the system will "decode the MPEG system stream read".)

**Regarding claims 3 and 4**, Aotake teaches a picture evaluating circuit 130 during recording that calculates the complexity of the incoming stream by computing two parameters. The two parameters are then used by scene change detecting circuit

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131 to detect a scene change, which then stores the index of the frame of the incoming stream into an index file to be used during reproduction (col. 19-20). Furthermore, during recording, the user can set the recording bit rate of the incoming stream (Fig. 8, 327). During retrieval, i.e. playback, the user has the ability to jump forward or backward by pressing index buttons 351 and 352 (Fig. 15) to jump between scenes. Therefore the period of time between storing (recording) and further retrieval (playback) depends on the index file, which further depends on the complexity and the recording bit rate of the program.

**Regarding claim 5**, Aotake teaches that the incoming stream can store both video and corresponding audio (col. 9 lines 32-38).

**Regarding claim 9**, Aotake teaches that retrieval of the program can begin at an indexed location by pressing index buttons 351 and 352 (Fig. 15). The index file contains pointers, which point to the location of the program with a corresponding index flag. Therefore the program retrieval can take place at the beginning of the next or previous scene (cols. 35-36).

**Regarding claim 10**, Aotake teaches in cols. 35-36, that when playback operation is selected by the user, a window as shown in Fig. 15 is displayed, and that when playback starts, it starts at the beginning of the recording point. Therefore, at start of the computer program to allow slip playback, the playback starts at the beginning of the recording (cols. 35-36).

**Regarding claim 11**, Aotake teaches in cols. 35-36, where a user has the ability to move the time slider to any portion of the recorded program by way of dragging the

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slider or by clicking on index buttons 351 and 352 (Fig. 15). When a user plays back a recorded program and chooses to move the reproduction to other parts of the program, the difference between several pointers defines a particular time delay, and the time delays between the pointers can be seen in Fig. 18 where the pointers in index file point to different locations within the stored program.

**System claim 12, 14-16, and 20-22** are rejected for the same reasons as stated above in method claims 1, 3-5, and 9-11, respectively.

**System claim 23** is rejected for the same reasons as stated above in method claim 1.

**System claim 24** is rejected for the same reason as stated above in method claim 1, and furthermore Aotake teaches a memory unit 202 that stores instructions for performing the claimed methods (col. 8, lines 55-63).

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Aotake (US 6,411,771) in view of Yang (US 5,270,829).

**Regarding claim 2**, Aotake teaches a system that allows a recorded program (stream) to be retrieved and further decoded, but fails to expressly teach that the period of time between the storing and retrieving of a stream is programmable.

In an analogous recording and reproducing art, Yang teaches a system that is capable of reserving a playback time of a recorded program. The system allows the user to program a start time for reproduction of a recorded broadcast program (col. 3, line 23 – col. 4, line 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the programmable playback time as taught by Yang into Aotake's system to improve convenience so that the user can watch the recorded program at a desired time and the programmable playback time also functions as a reminder to the user of an unwatched recorded program.

Yang discloses the motivation to improve convenience on part of the user so that the user can watch the recorded program at a desired time (col. 5, line 55 – col. 6, line 5).

**System claim 13** is rejected for the same reasons as stated above in method claim 2.

5. **Claims 6 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Aotake (US 6,411,771 B1) in view of Suzuki (US 6,148,135 A).



**Regarding claim 6**, Aotake teaches that the video and its' corresponding audio are recorded together onto the storage medium, but fails to teach that the audio and video inputs have separate time bases.

In an analogous art, Suzuki teaches a system that maintains separate time codes for audio and video streams (col. 4, line 57 – col. 7, line 17). The time stamps can be used during reproduction to allow for synchronization between the video and audio streams.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate maintaining separate time codes for audio and video streams as taught by Suzuki into Aotake's system to allow for only video, only audio or both audio and video to be recorded and reproduced and to further improve synchronization within the system.

**System claim 17** is rejected for the same reasons as stated above in method claim 6.

6. **Claims 7, 8, 18 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Aotake (US 6,411,771 B1) in view of Fujinami (US 5,455,684).

**Regarding claim 7**, Aotake teaches a system that allows encoding of video and audio signals, but doesn't particularly point out that the video and audio streams are separately encoded, and then further multiplexed to be stored onto the storage medium.

In an analogous art, Fujinami teaches a system that takes in audio and video signals and encodes the streams separately, and then multiplexes to be stored on the storage medium (Fig. 11, and col. 11, lines 34–52).

Aotake teaches that several types of audio output modes can be selected by the user during storage (col. 36, lines 1-12), and since video is handled separately, the motivation to separate the audio and video is clear.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to encode streams separately and then multiplex the two streams and then stored on the storage medium as taught by Fujinami into Aotake's system in order to reduce crosstalk and interference.

**Regarding claim 8**, Aotake teaches a system that reads the stream on the storage medium and then decodes the video and audio stream, but fails to teach that that stream from the storage medium is de-multiplexed and further decoded separately.

In an analogous art, Fujinami teaches a system that allows a multiplexed stream on a storage medium to be retrieved, de-multiplexed, and then further decoded separately (Fig. 17 and col. 18, lines 20-48).

Aotake teaches that several types of audio output modes can be selected by the user during storage (col. 36, lines 1-12), and since video is handled separately, the motivation to separate the audio and video is clear.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to read a stream from a storage medium which is de-multiplexed to

separate the audio and video streams, and then to decode them separately as taught by Fujinami into Aotake's system to reduce crosstalk and interference.

**System claims 18 and 19** are rejected for the same reasons as stated above in method claims 7 and 8, respectively.

**(10) Response to Argument**

**THE REJECTIONS UNDER 35 U.S.C. 102(e) AS BEING ANTICIPATED BY AOTAKE (US 6,411,771).**

In re page 5 (numbered paragraph 1), the appellant argues that Aotake does not teach a coding scheme for encoding which is selected from a variety of coding schemes. Appellant does however present that the system of Aotake does allow for editing, indexing, recording and reproduction of video via a computer with the use of an MPEG1 real time encoder board 213 and MPEG decoding operations.

In response the examiner respectfully disagrees. The examiner has previously addressed this limitation in the Final Rejection dated October 20, 2006 and above in section (9) Grounds of Rejection. The system of Aotake does teach the broadly claimed limitation. In Figure 8, element 327 and col. 8, lines 18-32 teaches where a particular Video Recording Mode (M), which includes "High", "Normal", "Long" and "Network", are selectable to be encoded by the MPEG1 real time encoder (also admitted by the appellant above). Each of these coding schemes is different from one another in terms of size of video, system bit rate, video bit rate, frame rate, etc, as thoroughly depicted in

Figure 10. Therefore with the option to select a particular Video Recording Mode (M) the claimed limitation is clearly taught by Aotake.

In re pages 5-6 (numbered paragraph 2a.), the appellant argues that for the same reasons as discussed in page 5 with regards to numbered paragraph 1, Claim 1 is allowable over Aotake. Furthermore, the appellant argues that Claims 3-5 and 9-11 are allowable because they depend on claim 1.

In response, the examiner respectfully disagrees. As discussed above, Aotake does indeed teach the broadly claimed limitation of a coding scheme for encoding which is selected from a variety of coding schemes. Therefore independent Claim 1, and dependent Claims 3-5 and 9-11 remain rejected over Aotake.

In re page 6 (numbered paragraph 2b.), the appellant argues that for the same reasons as discussed in page 5 with regards to numbered paragraph 1, Claim 12 is allowable over Aotake. Furthermore, the appellant argues that Claims 14-16 and 20-22 are allowable because they depend on claim 12.

In response, the examiner respectfully disagrees. As discussed above, Aotake does indeed teach the broadly claimed limitation of a coding scheme for encoding which is selected from a variety of coding schemes. Therefore independent Claim 12, and dependent Claims 14-16 and 20-22 remain rejected over Aotake.

In re page 6 (numbered paragraph 2c.), the appellant argues that for the same reasons as discussed in page 5 with regards to numbered paragraph 1, Claim 23 is allowable over Aotake.

In response, the examiner respectfully disagrees. As discussed above, Aotake does indeed teach the broadly claimed limitation of a coding scheme for encoding which is selected from a variety of coding schemes. Therefore independent Claim 23 remains rejected over Aotake.

In re page 7 (numbered paragraph 2d.), the appellant argues that for the same reasons as discussed in page 5 with regards to numbered paragraph 1, Claim 24 is allowable over Aotake.

In response, the examiner respectfully disagrees. As discussed above, Aotake does indeed teach the broadly claimed limitation of a coding scheme for encoding which is selected from a variety of coding schemes. Therefore independent Claim 24 remains rejected over Aotake.

**THE REJECTIONS UNDER 35 U.S.C. 103(a) AS BEING ANTICIPATED BY  
AOTAKE (US 6,411,771) IN VIEW OF YANG (US 5,270,829).**

In re page 7, the appellant argues that for the same reasons as discussed in page 5 with regards to numbered paragraph 1, dependent Claims 2 and 13, which depend on independent Claims 1 and 12, respectively, are allowable over Aotake in view of Yang.

In response, the examiner respectfully disagrees. As discussed above, Aotake does indeed teach the broadly claimed limitation of a coding scheme for encoding which is selected from a variety of coding schemes. Therefore dependent Claims 2 and 13 remain rejected over Aotake in view of Yang.

**THE REJECTIONS UNDER 35 U.S.C. 103(a) AS BEING ANTICIPATED BY  
AOTAKE (US 6,411,771) IN VIEW OF SUZUKI (US 6,148,135).**

In re pages 7-8, the appellant argues that for the same reasons as discussed in page 5 with regards to numbered paragraph 1, dependent Claims 6 and 17, which depend on independent Claims 1 and 12, respectively, are allowable over Aotake in view of Yang.

In response, the examiner respectfully disagrees. As discussed above, Aotake does indeed teach the broadly claimed limitation of a coding scheme for encoding which is selected from a variety of coding schemes. Therefore dependent Claims 6 and 17 remain rejected over Aotake in view of Yang.

**THE REJECTIONS UNDER 35 U.S.C. 103(a) AS BEING ANTICIPATED BY  
AOTAKE (US 6,411,771) IN VIEW OF FUJINAMI et al. (US 5,455,684).**

In re pages 7-8, the appellant argues that for the same reasons as discussed in page 5 with regards to numbered paragraph 1, dependent Claims 7-8 and 18-19, which depend on independent Claims 1 and 12, respectively, are allowable over Aotake in view of Yang.

In response, the examiner respectfully disagrees. As discussed above, Aotake does indeed teach the broadly claimed limitation of a coding scheme for encoding which is selected from a variety of coding schemes. Therefore dependent Claims 7-8 and 18-19 remain rejected over Aotake in view of Yang.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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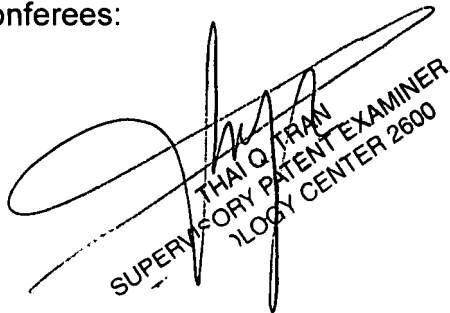
For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

GT

June 11, 2007

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